

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DENNIS SHIPMAN

Plaintiff,

v.

Civil Action No.  
1:10-cv-1124 (GLS/DRH)

STERLING INFOSYSTEMS, INC.

Defendant.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

DENNIS SHIPMAN  
Plaintiff *pro se*  
58 Grove Street, 2<sup>nd</sup> Floor  
Newburgh, New York 12250-4128

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed November 23, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

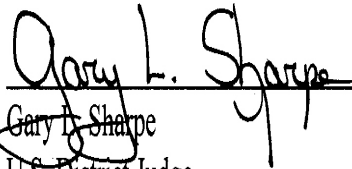
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed November 23, 2010 (Dkt. No. 5) is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that Shipman's complaint is DISMISSED in its entirety without prejudice pursuant to Fed. R. Civ. P. 16(f)(1)(C) and 37(b)(2)(A)(v) for Shipman's failure to comply with the Court's September 24, 2010 order; and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties by regular mail.

IT IS SO ORDERED.

Dated: December 23, 2010  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge